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For Immediate Release
March 9, 2005

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Senate Bills to prevent spyware installation passed by Senate

LANSING – Legislation making it a crime to install software that tracks Internet users' activity without their consent was unanimously passed by the Senate Wednesday, announced state Sen. Tony Stamas, R-Midland.

If signed into law, Senate Bills 53, 54 and 151 would protect consumers from "spyware," which can monitor Web-based information and prompt pop-up advertisements.

Consumers often unknowingly agree to download spyware systems when they accept software licensing agreements while downloading software from the Internet. Deceptively installed spyware can hurt the performance and stability of computer systems and may even cause computers to crash. A survey conducted by Internet service provider America Online found that 80 percent of home computers are infected with some form of spyware.

"Residents across Michigan could be victims of spyware and not even know it," said Stamas. "It is our duty to make sure we are doing everything possible to protect the privacy of Michiganders in their homes and workplaces. I was proud to support this important legislation."

If signed into law, SB 54 would amend Public Act 53 of 1979 to prohibit individuals from installing or attempting to install spyware into another person's computer, computer system or network. The bill also prohibits individuals from manufacturing, selling or possessing spyware with the intent to violate the act.

First time offenders would be guilty of a felony punishable by imprisonment for up to five years and a maximum fine of up to \$10,000. Violators with a prior conviction would be guilty of a felony punishable by imprisonment for up to 10 years and a maximum fine of up to \$50,000.

In statute, SB 151 would allow spyware victims to file civil charges. Under the proposed law, the Attorney General or adversely affected individuals could bring action against violators. In addition to obtaining an injunction to prohibit further violations, victims could also receive actual damages or \$10,000, or which ever is greater, per violation. The bill also allows up to triple the higher amount for pattern and practice of violating the act.

Federal law makers are currently advancing similar legislation in the United States Congress.

SBs 53, 54 and 151 will now go to the House of Representatives for consideration.

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